

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

J.S, K.S., C.S., and J.S.,
Minors via Guardian and Parent Scott Selmer,

Civil No. 11-cv-1537 (MJD/TNL)

Plaintiffs,

ORDER

v.

Bryn Roberts, Timothy Rodd, Saint Paul
Academy and Summit School, Charles Zelle,
Jill Romans, Cynthia Richter, Timothy Elchert,
Anne Fiedler, Judy Johnson, Thomas Hobert,
Paul Applebaum, and Dave Thomford,

Defendants.

Scott Selmer, Connor McAlister Selmer, LLC, P.O. Box 385091, Minneapolis, MN 55438 (for plaintiffs);

R. Ann Huntrods and Michael C. Wilhelm, Briggs & Morgan 80 South Eighth Street, Suite 2200, Minneapolis, MN 55402, (for Defendants Bryn Roberts, Timothy Rodd, Saint Paul Academy and Summit School, Charles Zelle, Jim Romans, Cynthia Richter, Anne Fiedler, Judy Johnson, Thomas Hobert, and Dave Thomford) and;

Paul Applebaum, 332 Minnesota Street Suite W1610, Saint Paul, MN 55101 and Andrew M. Irlbeck, 332 Minnesota Street Suite W-1610, Saint Paul, MN 55101 (for Defendant Paul Applebaum).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated November 27, 2013 (Docket No. 77), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Dismiss the Complaint (Docket No. 63) **IS GRANTED**; and

2. This matter **IS DISMISSED WITH PREJUDICE**.

Date: December 17, 2013

s/Michael J. Davis
The Honorable Michael J. Davis
Chief United States District Court Judge
for the District of Minnesota